UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,941	11/15/2001	Gregory L. Trauth	PIP-81-TRAUU-US	5918

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EXAMINER
IRSHADULLAH, M

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.		Applicant(s)	
Office Action Summary	09/998,941		TRAUTH ET AL.	
	Examiner		Art Unit	
	M. Irshadullah		3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 April 2004</u>.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-33</u> is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-33</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April

30, 2004 has been entered.

2.   This communication is in response to amendments filed August 25, 2003.

Summary Of Instant Office Action

3.   Applicant's arguments regarding claims 1-31 rejected under 35 U.S.C. 103,

Paper No. 5, Office Action mailed May 23, 2003 have been fully considered and are

responded below.

4.   Amendments to claims 1-25 and 28-31 and newly submitted claims 32-33 have

been entered.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

5.   The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6.   Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Rebane

(US Patent 6,539,392 B1).

Rebane teaches:

Claim 1.   An electronic network implemented method for notifying personnel

customer feedback messages, comprising:

a) receiving from a customer a customer feedback message in an electronic

format (Col. 12, lines 52-59 recited with col. 2, lines 23-26, wherein cited server 14

capturing consumer input data or response to consumer satisfaction questionnaire and

said response being feedback, col. 2, lines 23-26, indicating reference's teaching

"capturing or receiving consumer or customer response or feedback message", and said

response or feedback arriving from consumer's or customer's computer 12 in system 11

directly to server 14 in system 5, Fig. 3, indicating the same is in electronic form or

format);

b) automatically storing said feedback message from a customer in a database in

response to receipt of said customer feedback message in said electronic format (Col. 9,

lines 62-65, wherein cited server 14 "storing above discussed consumer or customer

input response or feedback message directly or automatically" as indicated by: server 14

in system 5 accepting data from consumer's computer 12 in system 11, and said storage

is being performed "following or in response to above discussed receiving step" and as

discussed above it is "in electronic form or format");

c) automatically creating and transmitting an electronic notification message to a

first employee of an employer, said electronic notification message providing an indication

that a feedback message exists, said automatically creating and transmitting occurring in

response to at least one of said receiving and said automatically storing. (Col. 25, lines

22-25 read with col. 11, lines 34-36, wherein cited event handler in system 5

automatically sending email to a merchant and system 5 generating and presenting

resulting information to end-user or merchant, col. 11, lines 34-36 recited with lines 63-67,

computer 13, Fig. 3, indicating reference's teaching "automatically creating or generating

and sending or transmitting email or notification message to end-user or merchant", and

cited merchant being goods or service providing business must have workers or

employees for running the business or merchant, such as supervisor, manager etc. and

one of them representing claimed "first employee" of "merchant or business employer" {In

support of said statement, please see enclosed Boulton et al's Patent 5,337,618, col. 11,

lines 12-23}. Moreover, recitation of: "flashing dynamic icon conveying in graphic or text

form or format relative to current or recent level of buying activity to the merchant, col. 32,

lines 19-39 and col. 33, lines 14-25" indicating availability of means for "furnishing or

providing a sign or indication that there were a message or a message exists" and a user

would said means relating to above discussed user's response or feedback message.

Furthermore, said "creation or generation and sending or transmitting of said notification"

since following steps a) and b) above, are "happening or occurring after or in response of

receiving and automatically storing").

Claims 2, 9, 14, 16,18, 21, 23 and 29.   The method of claim 1, wherein said

transmitting comprises transmitting said electronic notification message is e-mail (Col.

25, lines 22-25, wherein as discussed above, cited "email is electronic notification").

Claims 3 and 24.   The method of claim 1, wherein said receiving includes

receiving a customer satisfaction rating (Col. 13, lines 22-26, wherein reference's

accepting consumer rating data values indicating "obtaining or receiving rating or

satisfaction rating" from consumer or customer)).

Claims 4 and 25.   The method of claim 3, wherein said electronic notification

message includes said customer satisfaction rating (Col. 11, line 2, Col. 34, line 66

recited with lines 23-27 {specifically line 27}, wherein a user would use reference's

"appending" function for attaching {to include} above discussed customer satisfaction

rating to above discussed electronic notification message).

Claims 5 and 26.   The method of claim 3 further comprising:

a) determining whether said customer satisfaction rating is below a threshold

value (Col. 15, lines 53-54 and col. 25, line 65 through col. 26, line 2, wherein cited

"processing" and "comparing with predefined low threshold" inferring claimed "determining

whether rating is below a threshold"); and

b) transmitting a second electronic notification message to a second employee of

said employer if said customer satisfaction rating is below said threshold value, said

second electronic notification message providing an indication that a feedback message

exists (See discussion of applicant's 1c) above, and considering discussed notification as

second one and manager as second employee of merchant or business or employer).

Claims 6.   The method of 3 further comprising the further steps of:

a) determining whether said customer satisfaction rating is above a threshold value

(Col. 15, lines 53-54 and col. 25, lines 63-65 and discussion of claim 5a) above); and

b) transmitting a second electronic notification message to a second employee if

said customer satisfaction rating is above said threshold value, said second electronic

notification message providing an indication that a feedback message exists (See

discussion of claim 5b) above).

Claim 7.   The method of claim 1 wherein said customer feedback message in

said electronic format comprises an audio file including a spoken message provided by

the customer (Col. 34, lines 5-10, wherein cited generating audio-based icon and icon

verbally describing, indicating reference's having a function for generating an "audio file"

and said "audio file including or comprising verbal or spoken message", and a user

would use said features for claimed purpose. Moreover, conducting audio or voice

surveys and collecting user responses or feedbacks is known and practiced since long

before Applicant's invention, a user would consider it's use as inherent or at least would

have been motivated to include the same in Rebane et al's invention. Support to

foregoing is provided by enclosed Boulton et al's patent 5,537,618, Fig. 35 described

col. 44, lines 8-51).

Claim 8.   An electronic network implemented method for notifying personnel of

customer feedback messages, comprising:

a) receiving a spoken customer feedback message from a customer (Col. 2, lines

59-63, wherein "verbal or telephonic survey responses from individuals" indicating

reference's teaching claimed "obtaining or receiving verbal or spoken response or

feedback message");

b) creating an audio file containing a recording of said spoken customer feedback

message (See discussion of Applicant's claim 7 above);

c) storing said audio file in a database (See discussion of Applicant's claim 1b),

wherein a user would use reference's "storing" function for storing above discussed audio

file);

d) generating an electronic notification message, said electronic notification

message indicating that a certain feedback message has been received (See discussion

of Applicant's claim 1c) above);

e) transmitting said electronic notification message to an employee of an employer

(See discussion of Applicant's claim 1c) above); and

f) accessing said database and playing said electronic audio file containing a record of said spoken feedback message in said database to said employee, upon receiving a command from said employee (Col. 14, lines 23-24 recited with col. 34, line 5-10, wherein, cited database accessed by searching means indicating reference's teaching "accessing database" and "audio-based icon verbally describing level of activity indicating reference's provision of "playing verbal or audio file or electronic file, since it is being played over a computer, and in database jargon data or information is stored in file or tabular form or format", and said action resulting from user's or employee's {as discussed above} input instruction or command).

Claim 10.   The method of claim 8 further comprising the further assigning a response ID to said customer feedback message (Col. 13, lines 50-53 (specifically line 55), wherein "data collected" representing claimed "response" and reference's "assigning identifier" function indicating a user's employing said function for claimed purpose).

Claim 11.   The method of claim 10 wherein said command from said employee comprises said response ID (Inherent, since, as discussed above merchant or business have employees, who have to enter or click on icon representing identifier or ID).

Claim 12.   The method of claim 8 further comprising:

a) receiving a satisfaction rating from said customer (See discussion of Applicant's claim 3 above);

b) determining whether said customer satisfaction rating is below a threshold value (Col. 15, lines 53-54 and col. 25, line 65 through col. 26, line 1, wherein cited "processing" and "comparing with predefined low threshold" indicating claimed "determining whether rating is below a threshold"); and

c) transmitting a second electronic notification message to a second employee of said employer if said customer satisfaction rating is below said threshold value, said second electronic notification message indicating that a certain feedback message has been received (Col. 6, lines 4-8, wherein a user would use reference's "communication" function for sending or transmitting any number of above discussed notification messages and as discussed above "merchant" encompassing manager or second employee).

Claim 13.   The method of claim 8 further comprising:

a) receiving a satisfaction rating from a customer (See discussion of Applicant's claim 3 above);

b) determining whether said customer satisfaction rating is above a threshold value (Col. 15, lines 53-54 and col. 25, lines 63-65 and discussion of Applicant's claim 5a) above); and

c) transmitting a second electronic notification message to a second employee of said employer if said customer satisfaction rating is above said threshold value, said electronic notification message indicating that a certain feedback message has been received (See discussion of Applicant's claim 5b) above).

Claim 15.   An electronic network implemented method for notifying personnel

of customer messages, comprising:

a) receiving a satisfaction rating from a customer (See discussion of

Applicant's claim 3 above);

b) receiving a spoken message from said customer (See discussion of

Applicant's claim 8a) above);

c) creating an audio file containing a recording of said spoken message (See

discussion of Applicant's claim 8b) above);

d) storing said audio file in a database (See discussion of Applicant's claim 8c)

above);

e) generating an electronic notification message, said electronic

notification message indicating at least the existence of a satisfaction rating of

a customer, said generating occurring automatically at least in part in response

the receipt and storage of at least one of said satisfaction rating and said

spoken message (See discussion of applicant's claims 8d) and 1c) above);

f) attaching said audio file to said notification message (See discussion

of Applicant's claim 4) above);

g) automatically transmitting said electronic notification message to an employee

of an employer, said automatically transmitting occurring at least in part to said generating

(See discussion of Applicant's claim 1c) above);

h) determining whether said satisfaction rating is below a threshold value (See discussion of Applicant's claim 5a) above); and

i) transmitting a second electronic notification message to a second employee of said employer if said satisfaction rating is below said threshold value, said second electronic notification message indicating at least in part the existence of a satisfaction rating of a customer (See discussion of Applicant's claim 5b) above).

Claim 17.   A customer feedback notification electronic system, comprising:

a) a database for storing a customer feedback message of a customer (See discussion of Applicant's claim 1b) above);

b) an electronic notification message, said electronic notification message indicating that a feedback message has been received (See discussion of Applicant's claims 8e) and 1c) above); and

c) a computer server for transmitting said notification message to an employee of an employer upon receipt of said customer feedback message (See discussion of Applicant's claim 1d) above, wherein reference's "computer system, col. 11, lines 39-44, representing and functioning as claimed "server").

Claim 19.   The system of claim 17 further comprising:

a) a voice server for receiving spoken messages from customers and converting said spoken messages to audio files (See discussion of Applicant's claims 8a) and 8b)

above, where creating audio file pointing to "converting cited verbal or spoken message

into audio file", and also as discussed above, reference's "computer system, col. 11,

lines 39-44, representing and functioning as claimed "server"); and

b) programmed instructions of attaching said audio file to said notification message

before transmitting said notification message to said employee (See discussion of

Applicant's claim 15f) above, and said appending or attaching is performed through the

use of application or programmed instructions).

Claim 20.   A customer feedback notification system, comprising:

a) a voice server for receiving a spoken customer feedback message (See

discussion of Applicant's claim 19a) above);

b) a database for storing said feedback message in an audio file (See discussion

of Applicant's claims 8b) and 8c) above);

c) an electronic notification message indicating that said feedback message has

been received, said electronic notification message including said audio file (See

discussion of Applicant's claim 8d) and 7) above); and

d) a computer server for promptly transmitting said notification message to an

employee in response receipt of said customer feedback message (See discussion of

Applicant's claim 8e) above).

Claim 22.   An electronic network implemented method for receiving and

tracking customer feedback messages, comprising:

a) receiving a customer feedback message of a customer (See discussion of

Applicant's claim 1a) above);

b) storing said customer feedback message in a database (See discussion of

Applicant's claim 1b) above);

c) creating an electronic notification message indicating that a customer

feedback message has been received from an individual customer (See discussion of

Applicant's claim 8d) above);

d) promptly transmitting said notification message to an employee of an

employer upon receipt of said customer feedback message (See discussion of

Applicant's claim 8d) above and since transmission is performed among computers, it is

dynamically or promptly done);

e) accessing said database using a web server to retrieve said customer

feedback message to a web browser (See discussion of Applicant's claim 8f) above and

col. 9, line 2: web server); and

f) displaying to said employee said customer feedback message within a web

page displayed by said web browser (Col. 15, lines 31-32, col. 9, lines 20-25, wherein

a user would use cited video display for depicting or displaying user response to

questionnaire or feedback message using sited cited web page and web browser, col.

12, lines 41-45)

Claim 27.   The method of claim 22 comprising the further steps of:

a) creating an audio file containing said customer feedback message; storing

said audio file in said database (See discussion of Applicant's claim 7a) above); and

b) providing a link on said web page enabling said employee to playback said

audio file (See discussion of Applicant's claim 8c) above).

Claim 28.   A system for receiving and tracking customer complaints,

comprising:

a) a voice server for receiving a customer complaint (See discussion of Applicant's

claim 22a) above, and reference teaching "complaint, col. 10, lines 17-20");

b) a database for storing said complaint in a complaint record (See discussion of

Applicant's claim 22b) above, and reference teaching "complaint, col. 10, lines 17-20");

c) a message server for serving an electronic notification message indicating that

complaint has been received, said message server configured to automatically serve said

electronic notification message to an employee of an employer promptly upon receipt of

said customer complaint (See discussion of Applicant's claim 22c) above, and reference

teaching "complaint, col. 10, lines 17-20");

d) a web server connected with said database, said web server configured to

enable said employee to access said database to retrieve said compliant record (See

discussion of Applicant's claim 22e) above, and reference teaching "complaint, col. 10,

lines 17-20").

Claim 30.   The system of claim 28 further comprising:

a) an audio file containing a recording of a spoken customer complaint (See discussion of Applicant's claim 7a) above, and reference teaching "complaint, col. 10, lines 17-20");

b) wherein said complaint record includes said audio file (See discussion of Applicant's claim 7) above, and reference teaching "complaint, col. 10, lines 17-20").

Claim 31.   The system of claim 30 further comprising a mechanism to attach Audio file (Col. 11, lines 1-4, wherein a user would use cited appending or attaching function for claimed purpose).

Claim 32.   The method of claim 7 wherein said electronic notification message includes said audio file (See discussion of Applicant's claim 7) above).

Claim 33.   A computer program product comprising a computer readable media storing code for enabling an electronic network to implement a method for notifying personnel of customer feedback messages (Col. 12, lines 15-24, wherein cited hard drive, CD etc. representing computer readable media and the same are used for storing applications or program instructions), said method comprising:

a) receiving from a customer a customer feedback message in an electronic format (See discussion of Applicant's claim 1a) above);

b) automatically storing said feedback message from said customer in a

database in response to receipt of said customer feedback message in said electronic

format (See discussion of Applicant's claim 1b) above); and

c) automatically creating and transmitting an electronic notification message to a

first employee of an employer, said electronic notification message providing an

indication that a feedback message exists, said automatically creating and transmitting

occurring in response to at least one of said receiving and said automatically storing

(See discussion of Applicant's claim 1c) above).

Response to Arguments

7.   Applicant's arguments filed April 31, 2004 have been fully considered but they

are not persuasive.

Applicant argues that:

a) Rebane et al do not teach: "communicating an individual's response to an

employee of a merchant" and "communicating an individual's response to anyone

immediately upon receipt of the response".

In this respect, it is noted that the recited features are not claimed, and Applicant is

reminded of the following Case Law:

In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., communicating an individual's response to an employee of a merchant" and

"communicating an individual's response to anyone immediately upon receipt of the

response) are not recited in the rejected claim(s). Although the claims are interpreted in

light of the specification, limitations from the specification {or Remarks} are not read into

the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Moreover, What is claimed in element 1a) for instance is: "receiving from a customer a

customer feedback message in an electronic format" regarding which Applicant is

directed to Rebane et al's col. 12, lines 52-59 recited with col. 2, lines 23-26, wherein

cited server 14 capturing consumer input data or response to consumer satisfaction

questionnaire and said response being feedback, col. 2, lines 23-26, indicating

reference's teaching "capturing or receiving consumer or customer response or feedback

message", and said response or feedback arriving from consumer's or customer's

computer 12 in system 11 directly to server 14 in system 5, Fig. 3, indicating the same is

in electronic form or format; and

In element 1c) is: automatically creating and transmitting an electronic notification

message to a first employee of an employer, said electronic notification message

providing an indication that a feedback message exists, said automatically creating and

transmitting occurring in response to at least one of said receiving and said

automatically storing, relative to which Applicant is referred to Rebane et al's col. 25,

lines 22-25 read with col. 11, lines 34-36, wherein cited event handler in system 5

automatically sending email to a merchant and system 5 generating and presenting

resulting information to end-user or merchant, col. 11, lines 34-36 recited with lines 63-

67, computer 13, Fig. 3, indicating reference's teaching "automatically creating or

generating and sending or transmitting email or notification message to end-user or

merchant", and cited merchant being goods or service providing business must have

workers or employees for running the business or merchant, such as supervisor,

manager etc. and one of the representing claimed "first employee" of "merchant or

business employer" {In support of said statement, please see enclosed Boulton et al's

Patent 5,337,618, col. 11, lines 12-23}. Moreover, recitation of: "flashing dynamic icon

conveying in graphic or text form or format relative to current or recent level of buying

activity to the merchant, col. 32, lines 19-39 and col. 33, lines 14-25" indicating

availability of means for "furnishing or providing a sign or indication that there were a

message or a message exists" and a user would said means relating to above

discussed user's response or feedback message. Furthermore, said "creation or

generation and sending or transmitting of said notification" since following steps a) and

b) above, are "happening or occurring after or in response of receiving and

automatically storing").

b) Rebane et al do not disclose: "communicating an individual person's response

to survey to an employee of an employer" and "communicating an individual person's

response to survey to anyone immediately upon receipt of the response".

In this regard Applicant is referred to the response above.

c) Rebane et al do not teach: "transmitting a second electronic notification

message to a second employee if said customer satisfaction rating is below a threshold

value".

Relative to this, Applicant is directed to Rebane et al's col. 25, lines 22-25 read with col.

11, lines 34-36, wherein cited event handler in system 5 automatically sending email to

a merchant, wherein cited sending or transmitting email or notification message to end-

user or merchant", and cited merchant being goods or services providing business must

have workers or employees for running the business or merchant, such as supervisor,

manager etc. and one of them, say manager, representing claimed "second employee"

of "merchant or business employer" {In support of business having employees, please

see enclosed Boulton et al's Patent 5,337,618, col. 11, lines 12-23}. Also, regarding

automated notification, Applicant is referred to Rebane et al's col. 34, lines 64-67,

wherein reference teaches intermediary website providing or transmitting "automated

notification" to members or users including merchants or employees thereof, in the light

of discussion above that merchant or business have employees for running the

business, such as supervisors, mangers etc., thus said system would send or provide or

transmit automated notification to merchant's or business's manager or second

employee.

d) Rebane et al do not teach: "creating an audio file containing feedback

message".

In response to this, Applicant is directed to Rebane et al's col. 33, lines 16-19 and col.

34, lines 5-10, wherein cited generating audio-based icon and said icon verbally

describing, indicating reference's having a function for generating or creating an "audio

file" and said "audio file including or comprising verbal or spoken message", and a user

would use said features for generating or creating an audio file comprising or containing

user's voice response to questionnaire or feedback. Moreover, conducting audio or

voice surveys and collecting user responses or feedbacks is known and practiced since

long before Applicant's invention, a user would consider it's use as inherent or at least

would have been motivated to include the same in Rebane et al's invention. Support to

foregoing is provided by enclosed Boulton et al's patent 5,537,618, Fig. 35 described

col. 44, lines 8-51.

e) Rebane et al do not teach: "audio file storing recorded voice information from

the person generating the feedback message".

Relating to this, Applicant is referred to Rebane et al's In response to this, Applicant is

directed to Rebane et al's col. 33, lines 16-19 recited with col. 34, lines 5-10, wherein

cited generating audio-based icon and said icon verbally describing, indicating

reference's having a function for generating or creating an "audio file" and said "audio

file including or comprising or storing verbal or spoken message or recorded

information", and a user would use said features for generating or creating an audio file

comprising or storing user's voice or recorded voice information relating to response to

questionnaire or feedback. Moreover, conducting audio or voice surveys and collecting

and storing said collected or recorded user responses or feedbacks is known and

practiced since long before Applicant's invention, a user would consider it's use as

inherent or at least would have been motivated to include the same in Rebane et al's

invention. Support to foregoing is provided by enclosed Boulton et al's patent 5,537,618,

Fig. 35 described col. 44, lines 8-51.

In the light of above discussion, it is respectfully stated that Applicant's

arguments have been fully considered, deemed unpersuasive and prior rejection is

maintained.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

A) Boulton et al., US Patent 5,537,618. Method And Apparatus For Implementing

User Feedback.

B) Kesel, US Patent 6,026,387. Consumer Comment Reporting Apparatus And

Method.

C) Kesel, US Patent 5,822,744. Consumer Comment Reporting Apparatus And

method.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to M. Irshadullah whose telephone number is 703-308-

6683. The examiner can normally be reached on 10:00 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

M. Irshadullah
July 19, 2004